

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

FILED

IN CLERKS OFFICE

In Re: Industrial Commercial Electrical, Inc. v. LeBlanc et al Chapter 11

Adversary Proceeding 03-04068

Judge Joel B. Rosenthal

2003 DEC 17 P 4: 12

U.S. DISTRICT COURT
DISTRICT OF MASS.

CLERK'S CERTIFICATION FOR TRANSMITTAL
OF RECORD ON APPEAL

I, JAMES M. LYNCH, Clerk of the United States Bankruptcy Court for the District of Massachusetts, do hereby certify that the annexed documents are copies of the original papers as described in the accompanying Designation of Record and constitute the Record on Appeal in the case entitled and numbered **03-4068**.

IN TESTIMONY WHEREOF, I HEREUNTO SET
MY HAND AND AFFIX THE SEAL OF THIS
COURT, AT WORCESTER, IN THE DISTRICT OF
MASSACHUSETTS, THIS 17th DAY OF DECEMBER

Date: 12/17/03

James M. Lynch
Clerk, U.S. Bankruptcy Court



By the Court,

Anne C. Harmon

Deputy Clerk
(508) 770-8913

Receipt of the documents in the above entitled case as described in the Designation of Record is hereby acknowledged this 17th day of December, 2003.

This case has been assigned No. 03-40289.

Kathy Hassett
DEPUTY CLERK

APPEAL

United States Bankruptcy Court
District of Massachusetts (Worcester)
Adversary Proceeding #: 03-04068

Assigned to: Bankruptcy Judge Joel B. Rosenthal
Related BK Case: 02-45451
Related BK Title: Industrial Commercial Electrical, Inc.
Demand: \$1000000
Nature of Suit: 454

Date Filed: 03/27/03

Certified to be a true and
correct copy of the original
James M. Lynch, Clerk
U.S. Bankruptcy Court
District of Massachusetts
By: James M. Lynch Deputy Clerk
Date: 12/17/03

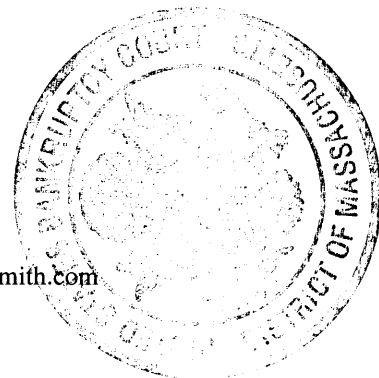
DEBTOR (AP Case Only)

Industrial Commercial Electrical, Inc.,
Industrial Commercial Electrical, Inc. et al as
debtors in possession.
Tax id: 04-3067128

Plaintiff

Industrial Commercial Electrical, Inc.,
Industrial Commercial Electrical, Inc. et al
Tax id: 04-3067128

represented by **Michael J. Fencer**
Jager Smith, PC
One Financial Center
Boston, MA 02111
(617) 951-0500
Email: mfencer@jagersmith.com
LEAD ATTORNEY



V.

Defendant

David P. LeBlanc, David P. LeBlanc and
Daniel J. Kennedy individually and in their
capacities as officers and directors of
Industrial Commercial Electrical, Inc., I.C.E.
Management Corp. and I.C.E. Conn. Inc.

Daniel J. Kennedy, Daniel J. Kennedy and
David P. LeBlanc individually and in their
capacities as officers and directors of
Industrial Commercial Electrical, Inc., I.C.E.
Management Corp. and I.C.E. Conn. Inc.
SSN: xxx-xx-1073

represented by **John A. Burdick, Jr.**
Burdick & DiLeo, P.C.
340 Main St.
Worcester, MA 01608
(508) 752-4633
LEAD ATTORNEY

Travelers Casualty & Surety Company

represented by **Robert McCall**
Peabody & Arnold, LLP
30 Rowes Wharf
Boston, MA 02110
617-951-2100
LEAD ATTORNEY



Counter-Claimant**Travelers Casualty & Surety Company**represented by **Philip M. Cronin**
Peabody & Arnold, LLP
30 Rowes Wharf
Boston, MA 02110
617-951-2100














V.

Counter-Defendant**Industrial Commercial Electrical, Inc.,
Industrial Commercial Electrical, Inc. et al**
Tax id: 04-3067128**Counter-Claimant****Travelers Casualty & Surety Company**

V.

Counter-Defendant**Industrial Commercial Electrical, Inc.,
Industrial Commercial Electrical, Inc. et al**
Tax id: 04-3067128








Filing Date	#	Docket Text
03/27/2003	<u>1</u>	Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property . (Filing Fee \$ 150.00 Receipt # 509076) (hrc) (Entered: 03/27/2003)
03/28/2003		Summons issued on Travelers Casualty & Surety Company, I.C.E Conn, Inc., I.C.E. Management Corp., Daniel J. Kennedy and David P. LeBlanc. Answer due 4:30 pm on 4/28/03. (ss) (Entered: 03/28/2003)
04/02/2003	2	Summons Served 4/1/03 on Daniel J. Kennedy. (ss) (Entered: 04/04/2003)
04/02/2003	3	Summons Served 4/1/03 on David P. LeBlanc. (ss) (Entered: 04/04/2003)
04/02/2003	4	Summons Served 4/1/03 on Travelers Casualty & Surety Company. (ss) (Entered: 04/04/2003)
04/16/2003	 <u>5</u>	Answer to Complaint Filed by Defendant Daniel J. Kennedy. c/s (ss) (Entered: 04/17/2003)
04/18/2003	 <u>6</u>	Answer, Affirmative Defenses, Counterclaims And Demand For Jury Trial Of The Defendant Travelers Casualty & Surety Company of America, Inc. c/s (ss)

		(Entered: 04/18/2003)
04/18/2003	 <u>7</u>	Motion To Withdraw Reference Filed by Defendant Travelers Casualty & Surety Company Receipt Number 509793, Fee Amount \$75.00. c/s (ss) (Entered: 04/18/2003)
04/28/2003	 <u>8</u>	Objection by Plaintiff Industrial Commercial Electrical, Inc. To <u>7</u> Motion To Withdraw Reference filed by Defendant Travelers Casualty & Surety Company. c/s (ss) (Entered: 04/28/2003)
04/30/2003	 <u>9</u>	Response to Counterclaims Of Traverlrs Casualty & Surety Co. Filed by Plaintiff Industrial Commercial Electrical, Inc. c/s (ss) (Entered: 05/01/2003)
05/01/2003	 <u>10</u>	Certification of Transmittal of Reference to U.S. District Court (RE: <u>7</u> Motion for Withdrawal of Reference). (ach) (Entered: 05/01/2003)
07/18/2003	 <u>11</u>	Joint Report And Certification Regarding Proposed Discovery Plan Filed by Plaintiff Industrial Commercial Electrical, Inc., Defendant Daniel J. Kennedy and Travelers Casualty & Surety Company. (ss) (Entered: 07/21/2003)
07/23/2003	 <u>12</u>	Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). c/s (ss) (Entered: 07/24/2003)
07/29/2003	 <u>13</u>	Hearing Scheduled Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). Hearing scheduled for 8/14/2003 at 10:00 AM Worcester Courtroom 3 - JBR. (ss) (Entered: 07/29/2003)
07/29/2003	 <u>14</u>	Court Certificate of Mailing Re: <u>13</u> Hearing Scheduled Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). Hearing scheduled for 8/14/2003 at 10:00 AM Worcester Courtroom 3 - JBR. (ss) (Entered: 07/29/2003)
07/29/2003	 <u>15</u>	Scheduling Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. Scheduling Conference set for 8/14/2003 at 10:00 AM at Worcester Courtroom 3 - JBR. (ss) (Entered: 07/29/2003)
07/29/2003	 <u>16</u>	Court Certificate of Mailing Re: <u>15</u> Scheduling Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. Scheduling Conference set for 8/14/2003 at 10:00 AM at Worcester Courtroom 3 - JBR. (ss) (Entered: 07/29/2003)
08/05/2003	 <u>17</u>	Assented To Motion to Continue and Reschedule Hearing Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). c/s (ss) (Entered: 08/05/2003)
08/05/2003	 <u>18</u>	First Amended Response to Counterclaims Filed by Plaintiff Industrial Commercial Electrical, Inc. (ss) (Entered: 08/05/2003)
08/06/2003	 <u>19</u>	Endorsed Order Regarding <u>17</u> Assented To Motion to Continue and Reschedule Hearing Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). ALLOWED. THE

		HEARING IS CONTINUED TO SEPTEMBER 4, 2003 AT 11:30 A.M. MOVANT TO GIVE NOTICE AND FILE A CERTIFICATE OF SERVICE. (ss) (Entered: 08/06/2003)
08/07/2003	20	Certificate of Service by Robert McCall Re: <u>19</u> Endorsed Order Regarding <u>17</u> Assented To Motion to Continue and Reschedule Hearing Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). (ss) (Entered: 08/11/2003)
08/15/2003		Corrective Entry: PLEASE NOTE THAT THIS ENDORSEMENT ORDER ALSO APPLIES TO THE SCHEDULING CONFERENCE PREVIOUSLY SCHEDULED FOR 8/14/03. Re: <u>19</u> Endorsed Order Regarding <u>17</u> Assented To Motion to Continue and Reschedule Hearing Re: <u>12</u> Application for Entry of Default Judgment Filed by Plaintiff Industrial Commercial Electrical, Inc. (As To David LeBlanc). ALLOWED. THE HEARING IS CONTINUED TO SEPTEMBER 4, 2003 AT 11:30 A.M. MOVANT TO GIVE NOTICE AND FILE A CERTIFICATE OF SERVICE. (ss ,) (Entered: 08/15/2003)
08/18/2003	21	Certificate of Service by John A. Burdick of Answers to Request for Production of Documents by Defendants. (ss) (Entered: 08/19/2003)
09/04/2003	22	Endorsed Order Regarding <u>11</u> Joint Report And Certification Regarding Proposed Discovery Plan Filed by Plaintiff Industrial Commercial Electrical, Inc., Defendant Daniel J. Kennedy and Travelers Casualty & Surety Company. APPROVED, EXCEPT 9/15/03 DATE IN PARAGRAPH #3 IS CHANGED TO OCTOBER 15, 2003. (ss) (Entered: 09/10/2003)
09/04/2003	23	Judgment for Plaintiff against Defendant David P. LeBlanc. SEE FOR FULL TEXT. (ss) (Entered: 09/10/2003)
09/18/2003	24	Stipulation and Protective Order By and between Plaintiff Industrial Commercial Electrical, Inc., Defendants Daniel J. Kennedy and Travelers Casualty & Surety Company Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. (ss) (Entered: 09/18/2003)
09/18/2003	25	Motion For Entry of Protective Order Re: <u>24</u> Stipulation and Protective Order By and between Plaintiff Industrial Commercial Electrical, Inc., Defendants Daniel J. Kennedy and Travelers Casualty & Surety Company Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. c/s (ss) (Entered: 09/18/2003)
09/18/2003	26	Endorsed Order Regarding <u>25</u> Motion For Entry of Protective Order Re: <u>24</u> Stipulation and Protective Order By and between Plaintiff Industrial Commercial Electrical, Inc., Defendants Daniel J. Kennedy and Travelers Casualty & Surety Company Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. ALLOWED. (ss) (Entered: 09/19/2003)
10/02/2003	27	Transcript of Hearing Held on 9/4/03 RE: <u>12</u> Motion for Default Judgment filed by DEBTOR (AP Case Only) Industrial Commercial Electrical, Inc., Counter-Defendant Industrial Commercial Electrical, Inc., Plaintiff Industrial Commercial Electrical, Inc. (ld ,) (Entered: 10/02/2003)
10/15/2003	28	Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover

		Money/Property. c/s (ss) (Entered: 10/17/2003)
10/21/2003	● <u>29</u>	Opposition by Defendant Travelers Casualty & Surety Company Re: <u>28</u> Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property with Affidavit. c/s (ss) (Entered: 10/22/2003)
10/23/2003	● <u>30</u>	Hearing Scheduled for 11/19/2003 at 09:30 AM Worcester Courtroom 3 - JBR Re: <u>28</u> Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc NOS 454 Recover Money/Property. (ss) (Entered: 10/23/2003)
10/27/2003	● <u>32</u>	Certificate of Service by Michael Fencer Re: Status Conference Scheduled on 11/6/2003 at 11:30 AM at Worcester Courtroom 3 -JBR Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. (ss, usbc) (Entered: 10/31/2003)
10/27/2003	● <u>33</u>	Certificate of Service by Michael Fender Re: <u>30</u> Hearing Scheduled for 11/19/2003 at 09:30 AM Worcester Courtroom 3 - JBR Re: <u>28</u> Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc NOS 454 Recover Money/Property. (ss, usbc) (Entered: 10/31/2003)
10/29/2003	● <u>31</u>	Motion to Excuse Appearance Filed by John A. Burdick, Jr. Counsel to Daniel J. Kennedy. c/s (ss, usbc) (Entered: 10/30/2003)
10/31/2003	●	Status Conference Scheduled on 11/6/2003 at 11:30 AM at Worcester Courtroom 3 -JBR Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. (ss, usbc) (Entered: 10/31/2003)
11/03/2003	● <u>34</u>	Assented To Motion to Continue November 6, 2003 Status Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. c/s (ss, usbc) (Entered: 11/03/2003)
11/03/2003	● <u>35</u>	Endorsed Order of 10/31/03 Regarding <u>31</u> Motion to Excuse Appearance Filed by John A. Burdick, Jr. Counsel to Daniel J. Kennedy. ALLOWED. (ss, usbc) (Entered: 11/03/2003)
11/03/2003	● <u>36</u>	Endorsed Order Regarding <u>34</u> Assented To Motion to Continue November 6, 2003 Status Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. ALLOWED. SEE ORDER OF EVEN DATE. (ss, usbc) (Entered: 11/03/2003)
11/03/2003	● <u>37</u>	Order Regarding <u>1</u> Assented To Motion to Continue November 6, 2003 Status Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. A STATUS CONFERENCE IS SCHEDULED FOR NOVEMBER 19, 2003 AT 9:30 A.M. IN THE ABOVE MATTERS. THE STATUS CONFERENCE PRESENTLY SCHEDULED FOR NOVEMBER 6, 2003 IS CANCELED. (ss, usbc) (Entered: 11/03/2003)
11/03/2003	●	Status hearing to be held on 11/19/2003 at 09:30 AM at Worcester Courtroom 3 - JBR Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc. NOS 454 Recover Money/Property. (ss, usbc) (Entered: 11/03/2003)

11/05/2003	● <u>38</u>	Certificate of Service by Rachel Dockins Re: <u>37</u> Order Regarding <u>1</u> Assented To Motion to Continue November 6, 2003 Status Conference Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc. (ss, usbc) (Entered: 11/12/2003)
11/19/2003	● <u>42</u>	Motion to Compel Production of Documents Filed by Defendant David P. LeBlanc. c/s (ss, usbc) (Entered: 11/21/2003)
11/19/2003	● <u>43</u>	Certificate of Service by Robert A. McCall Re: <u>42</u> Motion to Compel Production of Documents Filed by Defendant David P. LeBlanc. (ss, usbc) (Entered: 11/21/2003)
11/20/2003	● <u>39</u>	Order of 11/19/03 Regarding <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. STATUS CONFERENCE HELD. (ss, usbc) (Entered: 11/20/2003)
11/20/2003	● <u>40</u>	MGL c. 176D ?3 Unfair Methods of Competition and Unfair or Deceptive Acts or Practices Filed by Defendant Travelers Casualty & Surety Company. (Filed In Open Court) (ss, usbc) Additional attachment(s) added on 11/20/2003 (ss, usbc). (Entered: 11/20/2003)
11/20/2003	● <u>41</u>	Order of 11/19/03 Regarding <u>28</u> Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. TAKEN UNDER ADVISEMENT. (ss, usbc) (Entered: 11/20/2003)
11/26/2003	● <u>44</u>	Endorsed Order of 11/25/03 Regarding <u>28</u> Motion for Leave to File First Amended Complaint Re: <u>1</u> Complaint (03-4068) Industrial Commercial Electrical, Inc. vs. David P. LeBlanc . NOS 454 Recover Money/Property. ALLOWED. (ss, usbc) (Entered: 11/26/2003)
11/26/2003	● <u>45</u>	Amended (Re: <u>1</u> Complaint). Filed by Plaintiff Industrial Commercial Electrical, Inc. (Fencer, Michael) (Entered: 11/26/2003)
11/28/2003	● <u>46</u>	BNC Certificate of Mailing - PDF Document. Service Date 11/28/2003. (Related Doc # <u>44</u>) (Admin.) (Entered: 11/29/2003)
12/04/2003	● <u>47</u>	Statement Pursuant to Local Rule 7037-1 (C) RE: <u>42</u> Motion to Compel Production of Documents frin Defendant David P. LeBlanc. Filed by Defendant Travelers Casualty & Surety Company. c/s. (ach, usbc) (Entered: 12/05/2003)
12/05/2003	● <u>48</u>	Notice of Appeal. Receipt Number 516605, Fee Amount \$5.00 Filed by Defendant and Counter-Claimant Travelers Casualty & Surety Company (RE: <u>41</u> Motion for Leave to File First Amended Complaint). c/s. (ach, usbc) (Entered: 12/05/2003)
12/05/2003	● <u>49</u>	Election of Appeal to District Court Filed by Defendant and Counter Claimant Travelers Casualty & Surety Company (RE: <u>48</u> Notice of Appeal. Filed by Defendant and Counter-Claimant Travelers Casualty & Surety Company (RE: <u>41</u> Motion for Leave to File First Amended Complaint). (ach, usbc) (Entered: 12/05/2003)
12/05/2003	● <u>50</u>	Motion for Leave to Appeal (Re: <u>41</u> Order of 11/19/03 Regarding <u>28</u> Motion for Leave to File First Amended Complaint). Filed by Defendant and Counter-Claimant Travelers Casualty & Surety Company. (ach, usbc) (Entered: 12/05/2003)

12/08/2003	 <u>53</u>	Answer by Travelers Casualty & Surety Company to First Amended Complaint with Counterclaim by Travelers Casualty & Surety Company against Industrial Commercial Electrical, Inc. c/s. (ach, usbc) Modified as to Linkage on 12/12/2003 (ach, usbc). (Entered: 12/12/2003)
12/10/2003	 <u>51</u>	Endorsed Order Dated 12/5/03 Granting <u>42</u> Traveler's Motion to Compel Production of Documents by David P. LeBlanc. ALLOWED. NO OBJECTIONS FILED.(ach, usbc) (Entered: 12/10/2003)
12/12/2003	 <u>52</u>	Objection by Plaintiff Industrial Commercial Electrical, Inc. Re: <u>50</u> Motion for Leave to Appeal filed by Counter-Claimant Travelers Casualty & Surety Company, Defendant Travelers Casualty & Surety Company (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B) (Fencer, Michael) (Entered: 12/12/2003)
12/15/2003	 <u>54</u>	Motion by Plaintiff For Order Impounding Exhibits A and B Filed Under Seal to <u>52</u> Objection by Plaintiff Industrial Commercial Electrical, Inc. to <u>50</u> Defendant's Motion for Leave to Appeal. c/s. (ach, usbc) (Entered: 12/15/2003)
12/17/2003	 <u>55</u>	Assented To Motion <i>to Enlarge Certain Pretrial Deadlines</i> Filed by Plaintiff Industrial Commercial Electrical, Inc. (Fencer, Michael) (Entered: 12/17/2003)
12/17/2003	 <u>56</u>	Transmittal of Record on Appeal to U.S. District Court (RE: <u>48</u> Notice of Appeal)-Interlocutory. (ach, usbc) (Entered: 12/17/2003)
12/17/2003	 <u>57</u>	Order Granting <u>54</u> Motion by Plaintiff For Order Impounding Exhibits A and B Filed Under Seal to <u>52</u> Objection by Plaintiff Industrial Commercial Electrical, Inc. to <u>50</u> Defendant's Motion for Leave to Appeal. ALLOWED. (ach, usbc) (Entered: 12/17/2003)

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
IN CLERK'S OFFICE

2003 DEC -5 PM 2:31

U.S. BANKRUPTCY COURT
WINCHESTER, MA.

IN re

INDUSTRIAL COMMERCIAL
ELECTRICAL, INC., I.C.E.
MANAGEMENT CORP.,
AND I.C.E.-CONN, INC.,
Debtors.

CHAPTER 11
CASE NO. 02-45451-JBR

INDUSTRIAL COMMERCIAL
ELECTRICAL, INC., I.C.E.
MANAGEMENT CORP., AND I.C.E.-
CONN, INC.,

as debtors-in-possession,
Plaintiffs,

ADVERSARY PROCEEDING
No. 03-4068

v.

DAVID P. LEBLANC, DANIEL J.
KENNEDY, and TRAVELERS CASUALTY
& SURETY COMPANY OF AMERICA,
INC.,
Defendants.

NOTICE OF APPEAL

Travelers Casualty and Surety Company of America, Inc. (hereinafter "Travelers"), the defendant/plaintiff-in-counterclaim appeals under 28 U.S.C. § 158(a) and pursuant to Fed. R. Bankr. P. 8001 from the Order of the United States Bankruptcy Court for the District of Massachusetts (Western Division), granting plaintiffs, Industrial Commercial Electrical, Inc., I.C.E. Management Corp., and I.C.E.-Conn, Inc. (collectively hereinafter "the Plaintiffs" or "ICE"), leave to amend their complaint to assert claims of unfair settlement practices in violation of M.G.L. c. 93A and c. 176D, entered in this civil action on the 25th day of November, 2003.

Travelers appeals this order to the United States District Court for the District of Massachusetts, Civil Action No. 03-40082-NG (Gertner, J.). Simultaneous with the filing of this Notice, Travelers has also filed a statement of election under Fed. R. Bankr. P. 8001(e).

The name of all parties to the order appealed from and the names, addresses, and telephone numbers of their respective attorneys are as follows:

Daniel J. Kennedy, Defendant

John A. Burdick, Jr., Esquire
John A. Burdick, Jr. Attorney at Law
340 Main Street
Suite 800
Worcester, MA 01608

Industrial Commercial
Electrical, Inc., I.C.E.
Management Corp., and
I.C.E.-Conn, Inc., Plaintiffs

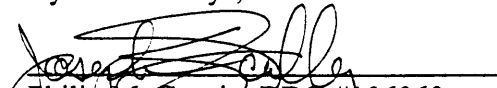
Michael J. Fencer, Esquire
Jager Smith, P.C.
One Financial Center
Boston, MA 02111

David P. LeBlanc, Defendant, *pro se*

David P. LeBlanc
Industrial Commercial Electrical Corp.
9 Short Street
Worcester, MA 01604

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA, INC.,

By its Attorneys,


Philip M. Cronin, BBO #106060
Joseph K. Scully, BBO #644014
PEABODY & ARNO LD LLP
30 Rowes Wharf
Boston, MA 02110
(617) 951-2100

Dated: December 5, 2003

UNITED STATES BANKRUPTCY COURT
FOR THE
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

FILED
IN CLERK'S OFFICE

DEC -5 P 2:31

U.S. BANKRUPTCY COURT
WORCESTER, MA.

IN re

INDUSTRIAL COMMERCIAL
ELECTRICAL, INC., I.C.E.
MANAGEMENT CORP.,
AND I.C.E.-CONN, INC.,

Debtors.

CHAPTER 11

CASE NO. 02-45451-JBR

INDUSTRIAL COMMERCIAL
ELECTRICAL, INC., I.C.E.
MANAGEMENT CORP., AND I.C.E.-
CONN, INC.,

as debtors-in-possession,
Plaintiffs,

v.

DAVID P. LEBLANC, DANIEL J.
KENNEDY, and TRAVELERS CASUALTY
& SURETY COMPANY OF AMERICA,
INC.,

Defendants.

ADVERSARY PROCEEDING

No. 03-4068

STATEMENT OF ELECTION TO HAVE APPEAL HEARD BY DISTRICT COURT

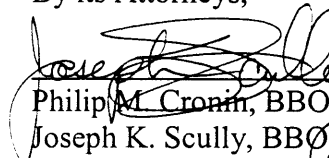
Pursuant to Fed. R. Bankr. P. 8001(e), Travelers Casualty and Surety Company of America, Inc. (hereinafter "Travelers") hereby elects to have its appeal from the November 25, 2003, Order of the United States Bankruptcy Court for the District of Massachusetts (Western Division), heard by the United States District Court for the District of Massachusetts, in Civil Action No. 03-40082-NG. The District Court (Gertner, J.) has withdrawn the reference of this matter from the Bankruptcy Court for purposes of holding a jury trial.

12 5 03
49

Accordingly, Travelers appeal should be referred for consideration by the Honorable Nancy Gertner in Civil Action No. 03-40082-NG.

TRAVELERS CASUALTY AND
SURETY COMPANY OF AMERICA, INC.,

By its Attorneys,



Philip M. Cronin, BBO #106060
Joseph K. Scully, BBO #644014
PEABODY & ARNOLD LLP
30 Rows Wharf
Boston, MA 02110
(617) 951-2100

Dated: December 5, 2003